

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 JAMES PHILIP DOUGLAS,
12 Plaintiff,

13 v.

14 PIERCE COUNTY, *et al*,
15 Defendants.
16

Case No. C09-5214BHS-KLS

ORDER DENYING PLAINTIFF'S
MOTION TO CHANGE VENUE
AND GRANTING HIS MOTION
FOR EXTENSION OF TIME

17 This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. §
18 636(b)(1), Local Rules MJR 3 and 4, and Federal Rule of Civil Procedure 72. This case is before the
19 Court on plaintiff's filing of a motion for a change of venue and for an extension of time (Dkt. #9) in
20 which to respond to the Court's order to show cause regarding the deficiencies in his complaint. (Dkt.
21 #5). After reviewing the motion and the balance of the record, the Court finds and orders as follows:

22 In his motion, plaintiff requests that venue in this case be changed to the district court in Seattle in
23 the interests of justice. He asserts that because his civil rights complaint involves constitutional violations
24 alleged to have occurred in the Pierce County Superior Court, and because this matter also is being heard
25 in the same county, albeit in federal court, a change in venue is proper to avoid any bias that may arise
26 due to that fact. (Dkt. #10). The Court finds plaintiff's request to be without merit.

27 A civil action filed in federal district court, in which the court's "jurisdiction is not founded solely
28 on diversity of citizenship . . . may be brought only in (1) a judicial district where any defendant resides,

1 if all defendants reside in the same state, (2) a judicial district in which a substantial part of the events or
2 omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the
3 action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in
4 which the action may otherwise be brought.” 28 U.S.C. § 1391(b). However, “[f]or the convenience of
5 parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other
6 district or division where it might have been brought.” 28 U.S.C. § 1404(a).

7 Given that most or all of the named defendants and events at issue in this case reside or took place
8 in Pierce County, at least in terms of convenience, venue is proper in the Tacoma Division of the United
9 States District Court for the Western District of Washington. Nor do the interests of justice warrant any
10 change of venue in this matter, contrary to plaintiff’s assertion otherwise. While it is true that both this
11 Court and the Pierce County Superior Court are located within the same county, that is the only common
12 connection between the two. That is, the Pierce County Superior Court is a state court, which is entirely
13 separate in terms of operation and jurisdiction from this Court. The Court, therefore, finds no danger of
14 bias or prejudice to plaintiff in allowing this matter to remain here.

15 Accordingly, for all of the foregoing reasons, plaintiff’s request for a change of venue hereby is
16 DENIED. As noted above, plaintiff also requests an additional 45 days in which to respond to the Court’s
17 order to show cause, as he states he will be in trial in Pierce County Superior Court for the next three
18 weeks. Although the Court previously granted plaintiff a 45-day extension of time in which to do so on a
19 similar basis, given his current stated circumstances, the Court finds an additional such 45-day extension
20 of time is not unreasonable. Plaintiff’s request therefor thus hereby is GRANTED. A response to the
21 Court’s order to show cause addressing the deficiencies in his complaint described therein, shall be filed
22 with the Court by **no later than September 10, 2009**.

23 The Clerk is directed to send a copy of this Order to plaintiff and counsel for defendants.

24 DATED this 21st day of July, 2009.

25
26
27 

28 Karen L. Strombom
United States Magistrate Judge